

## EXHIBIT B.3

## **PLAINTIFFS' OBJECTIONS TO DEFENDANTS' JOINT WITNESS LIST**

Plaintiffs object to defendants' designation of the following witnesses whom they intend to call at trial:

### **I. DEFENDANTS' FACT WITNESSES**

Plaintiffs object to the trial testimony of defendants' fact witnesses to the extent that any witness attempts to offer opinion testimony. *See* Dkt. No. 382. Plaintiffs also object to any attempt by defendants: to introduce live testimony from persons unavailable to plaintiffs or to introduce deposition testimony of persons in defendants' control. *See* Dkt. No. 338. Plaintiffs also object to the following witnesses:

Gary Giampetruzzi  
Ethan Posner  
Cheryl Shaughnessy  
Chuck Triano  
Carlton Wessel

Defendants failed to identify Posner, Shaughnessy and Triano as potential trial witnesses in their initial disclosures. In March 2013, the Court ordered defendants to identify their trial witnesses, which the Court said would be "binding" on them. RT 3/8/13 at 4:16-23. In response, defendants identified only six witnesses whom they intended to call at trial: (1) Larry Fox; (2) Loretta Cangialosi; (3) Doug Lankler; (4) Dennis Block; (5) Brien O'Connor; and (6) Larry Bradley. *See* March 15, 2013 e-mail from Steve Farina to Henry Rosen. Defendants did *not* include as even a potential trial witness Giampetruzzi, Posner, Shaughnessy, Triano or Wessel. *Id.* Moreover, none of these witnesses were deposed and defendants specifically (and successfully) opposed plaintiffs' request to depose Giampetruzzi, Posner and Wessel. *See* Dkt. No. 181 at 1. On that basis alone, defendants should not be permitted to call these witnesses. Moreover, the only relevant testimony that could be offered by Giampetruzzi, Posner and Wessel relates to defendants' purported reliance

defenses, which should be excluded at trial for the reasons set forth in Plaintiffs' Motion for Partial Summary Judgment, Plaintiffs' Reply filed in connection with that motion, Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, Plaintiffs' Motion *in Limine* to Exclude Reliance Evidence and Argument and Plaintiffs' Reply to Defendants' Opposition to that Motion *in Limine* which will be filed in advance of the pretrial hearing. *See* Dkt. Nos. 288, 304, 346 and 391. Therefore, the testimony of Giampetruzzi, Posner and Wessel should be excluded. Plaintiffs also object to the testimony of any other witness to the extent their proposed testimony relates to defendants' reliance on counsel defenses.

## **II. DEFENDANTS' EXPERT WITNESSES**

Plaintiffs object to the testimony of the following experts for the reasons set forth in Plaintiffs' Motions *in Limine*. Dkt. Nos. 374, 386.

John Coates (Dkt. Nos. 374, 386)  
David Feigal (Dkt. No. 374)  
William Holder (Dkt. Nos. 374, 386)  
Sean Nicholson (Dkt. No. 374)  
Sunil Panchal (Dkt. Nos. 374, 386)  
Jack Tanselle (Dkt. Nos. 374, 386)  
Nick Theodorou (Dkt. No. 374)

## **III. DEFENDANTS' DEPOSITION DESIGNATIONS AND COUNTER DESIGNATIONS**

Plaintiffs also object to defendants' deposition designations and counter designations for the reasons set forth in Exhibit 1, attached hereto. Plaintiffs reserve the right to object to any additional deposition testimony that defendants may seek to introduce at trial.

# EXHIBIT 1

## Deposition of James Bristow (Jan. 7, 2014)

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
5:23-5:25	
6:13-6:20	
7:21-7:23	
20:6-20:19	
26:13-26:15 (ending with "...exhibit 2077")	
26:24-27:5	
28:11-31:24	
32:23-33:21	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Calls for speculation – FRE 602</b>
34:17-35:17	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Calls for speculation – FRE 602</b>
36:17-38:19	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Calls for speculation – FRE 602</b>
39:1-40:20	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Calls for speculation – FRE 602</b>
40:22-41:4	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Calls for speculation – FRE 602</b>
41:25-42:4	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Calls for speculation – FRE 602</b>
42:14-42:20	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Calls for speculation – FRE 602</b>
43:4-43:6	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Calls for speculation – FRE 602</b>
44:19-44:25	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Calls for speculation – FRE 602</b>
49:13-50:2	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Calls for speculation – FRE 602</b>
56:25-57:5	

## Deposition of J. Mark Brown (June 19, 2013)

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
42:8-42:11	<b>Irrelevant – FRE 401-402</b>
45:4-45:7	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation, Speculation – FRE 602</b>
60:23-61:11	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation, Speculation – FRE 602</b>
65:17-65:21	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
68:1-68:10	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
73:12-73:20	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
74:18-74:20	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
92:10-92:12	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
92:20-92:21	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
96:19-96:24	
98:15-98:22	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
103:23-104:5	
104:14-104:20	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
105:7-105:11	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
108:6-108:9	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
108:10-108:11	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> If these designations are allowed, plaintiffs further designate 108:12-109:2.
110:15-110:18	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
111:1-111:4	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
112:20-113:2	<b>Ineffective, Waste of time – FRE 611(a)</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
120:4-120:5	
127:15-127:20	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
129:15-130:10	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
134:20-135:10	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
137:2-138:17	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
141:12-142:13	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
145:23-145:25	<b>Ineffective, Waste of time – FRE 611(a)</b>
148:18-148:24	<b>Ineffective, Waste of time – FRE 611(a)</b>
151:3-151:3	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
154:11-154:11	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
154:14-154:14	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
154:23-154:23	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
155:17-155:22	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
156:19-156:22	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
157:10-157:12	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
161:2-161:4	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
161:15-162:9	<b>Ineffective, Waste of time – FRE 611(a)</b>
166:19-167:3	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
171:16-171:20	<b>Ineffective, Waste of time – FRE 611(a)</b>
173:24-174:13	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
176:9-176:12	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
178:14-178:14	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
178:24-178:24	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
179:6-179:6	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
179:9-179:9	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
181:20-181:21	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
188:22-189:7	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
189:20-191:19	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
191:20-191:20	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
194:14-195:4	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
196:10-197:13	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
198:10-198:18	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
200:14-201:22	
201:23-203:10	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
203:25-204:13	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
205:2-205:9	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
206:13-206:23	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
206:24-209:25	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
214:4-218:20	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
219:10-220:23	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 40</b> <b>Ineffective, Waste of time – FRE 611(a)</b>



<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
223:22-224:8	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
225:7-227:14	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
227:15-231:4	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
231:15-232:8	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
232:13-234:11	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
234:14-235:6	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
235:12-236:8	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
236:13-240:3	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
240:5-245:5	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
245:14-246:25	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
247:22-248:14	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
249:9-250:3	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
250:4-250:17	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
252:17-257:22	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
258:8-258:13	<b>Cumulative, Waste of time – FRE 403</b>
258:21-260:9	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
260:10-261:16	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
263:17-263:24	<b>Lack of foundation - FRE 602</b>
264:13-265:10	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation, Speculation – FRE 602</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
266:3-277:18	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
278:4-278:6	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
282:15-282:20	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
290:6-291:2	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>

## Deposition of Richard Burch (Sept. 20, 2013)

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
15:19-15:23	<b>Lack of foundation, Speculation – FRE 602</b>
19:3-19:11	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Speculation – FRE 602</b>
49:25-50:23 (Starts at “Geodon and Zyvox...”)	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Irrelevant – FRE 401-402</b>
54:7-56:10	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Lack of foundation, Assumes facts not in evidence, Speculation – FRE 602</b>
61:20-61:21	
62:7-64:6	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Irrelevant – FRE 401-402</b>
93:1-93:14	<b>Irrelevant – FRE 401-402</b>
94:14-94:25	<b>Irrelevant – FRE 401-402</b>
95:12-95:16	
97:14-98:11	<b>Speculation – FRE 602</b> <b>Irrelevant – FRE 401-402</b>
98:12-98:21	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
104:25-110:6	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
110:17-112:11	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
112:16-115:13	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
116:18-117:9	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Improper Opinion Testimony – FRE 701</b>
123:5-123:20	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
124:12-125:12	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
129:21-130:3	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
132:6-132:9	
132:12-133:14	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
136:1-136:8	
142:15-144:17	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Hearsay – FRE 802</b>
145:4-146:6	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
146:17-147:2	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Vague – FRE 611(a)</b>
151:14-152:13	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
238:21-240:12	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Hearsay – FRE 802</b>
244:14-245:20	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
263:13-19	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Hearsay – FRE 802</b>
278:14-278:20	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
279:7-279:17 (Starts at “Do you remember...”)	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
280:3-284:4	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
287:11-287:14	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
299:16-299:22 (Ends after “what you have.”)	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
300:3-300:9	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
307:8-312:14	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Improper Opinion Testimony – FRE 701</b> <b>Leading question – FRE 611(c)</b> <b>Mischaracterization – FRE 611(a)</b>

## Deposition of Robert Clark (Oct. 11, 2013)

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
25:23-26:4	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
29:25-29:25	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
30:20-30:23	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
31:10-31:18	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
31:24-32:10	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
34:25-35:10	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
46:13-48:1	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
57:11-59:9	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
88:2-88:2	
95:2-95:21	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
106:22-107:16	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
112:8-112:17	
115:14-117:1	<b>Speculation – FRE 602</b>
121:16-121:23	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
126:5-126:7	<b>Irrelevant – FRE 401-402</b>
130:15-131:12	<b>Foundation, Speculation – FRE 602</b>
138:1-138:14	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
147:20-148:7	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
151:16-151:19	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
152:22-154:6	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
154:20-155:7	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
169:16-176:1	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
176:4-177:22	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
177:23-180:11	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
180:12-183:16	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial, Confusing, Misleading, Waste of time</b> – FRE 403

## Deposition of Hugh Donnelly (August 14, 2013)

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
48:12-48:25	<b>Irrelevant – FRE 401-402</b>
62:18-63:7	<b>Irrelevant – FRE 401-402</b>
124:9-124:18	
147:22-148:3	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
170:23-171:8	
174:11-174:14	
175:3-175:25	
177:13-178:2	
238:5-239:7	<b>Move to strike the last sentence of the answer as non-responsive.</b>
265:6-265:12	
274:7-275:19	
276:4-277:4	



## Deposition of L. Bruce Fleischmann (Apr. 26, 2013)

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
11:15-11:18	
17:18-17:19	
18:8-18:23	
22:22-23:4	
25:14-25:20	
29:15-29:16	
29:19-30:1	
30:2-30:13	
30:14-30:25	
31:1-31:7	
31:8-32:16	
52:25-53:23	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation – FRE 602</b>
54:6-54:15	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b>
55:25-56:7	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Speculation – FRE 602</b>
56:8-57:8	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b> <b>Improper opinion testimony – FRE 701</b>
57:9-58:1	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b> <b>Improper opinion testimony – FRE 701</b>
76:10-76:15	
80:5-80:5	<b>Irrelevant – FRE 401-402</b> <b>Waste of time – FRE 403</b>
109:13-109:18	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b> <b>Improper opinion testimony – FRE 701</b>
109:19-110:16	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b> <b>Improper opinion testimony – FRE 701</b>
129:1-129:1	<b>Ineffective, Waste of time – FRE 611(a)</b>
137:18-138:2	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
138:19-139:5	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation – FRE 602</b>
144:10-145:2	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b>
149:15-151:22	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b> <b>Improper opinion testimony – FRE 701</b> <b>Hearsay – FRE 802</b>
153:18-153:19	<b>Irrelevant – FRE 401-402</b>
156:7-156:15	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
171:20-171:22	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b> <b>Improper opinion testimony – FRE 701</b>
171:23-172:11	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
175:23-176:4	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b> <b>Improper opinion testimony – FRE 701</b>
177:17-178:5	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
178:6-179:3	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
180:17-180:25	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Improper opinion testimony – FRE 701</b>
181:23-182:1	<b>Irrelevant – FRE 401-402</b> <b>Waste of time – FRE 403</b>
182:24-182:25	<b>Irrelevant – FRE 401-402</b> <b>Waste of time – FRE 403</b>
186:5-186:11	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Hearsay – FRE 802</b> <b>Improper opinion testimony – FRE 701</b>
188:8-190:8	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation, Speculation – FRE 602</b> <b>Improper opinion testimony – FRE 701</b>
195:10-195:14	

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
196:12-199:23	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial, Confusing, Misleading, Waste of time</b> – FRE 403 <b>Lack of foundation</b> – FRE 602 <b>Improper opinion testimony</b> – FRE 701
200:6-201:4	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial, Confusing, Misleading, Waste of time</b> – FRE 403 <b>Lack of foundation</b> – FRE 602 <b>Improper opinion testimony</b> – FRE 701
201:24-202:13	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial, Confusing, Misleading, Waste of time</b> – FRE 403 <b>Lack of foundation</b> – FRE 602 <b>Improper opinion testimony</b> – FRE 701
210:19-211:9	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial, Waste of time, Confusing</b> – FRE 403 <b>Lack of foundation, Speculation</b> – FRE 602
226:24-227:8	<b>Prejudicial, Waste of time, Confusing</b> – FRE 403 <b>Lack of foundation, Speculation</b> – FRE 602 <b>Improper opinion testimony</b> – FRE 701
227:21-227:22	<b>Lack of foundation, Speculation</b> – FRE 602 <b>Prejudicial, Waste of time, Confusing</b> – FRE 403 <b>Improper opinion testimony</b> – FRE 701
228:4-228:6	<b>Lack of foundation, Speculation</b> – FRE 602 <b>Hearsay</b> – FRE 802 <b>Prejudicial, Waste of time, Confusing</b> – FRE 403
228:21-229:17 (Start at “Was this...”)	<b>Lack of foundation, Speculation</b> – FRE 602 <b>Improper opinion testimony</b> – FRE 701 <b>Prejudicial, Waste of time, Confusing</b> – FRE 403 <b>Irrelevant</b> – FRE 401-402 <b>Hearsay</b> – FRE 802
236:11-236:17	<b>Irrelevant</b> – FRE 401-402 <b>Waste of time</b> – FRE 403
246:3-251:22	<b>Ambiguous, Vague, Compound</b> – Rule 611(a) <b>Lack of foundation, Speculation</b> – FRE 602 <b>Improper opinion testimony</b> – FRE 701 <b>Prejudicial, Waste of time, Confusing</b> – FRE 403 <b>Irrelevant</b> – FRE 401-402
252:5-257:9	<b>Leading Question</b> – Rule 611(c) <b>Lack of foundation, Speculation</b> – FRE 602

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
	<b>Prejudicial, Waste of time, Confusing – FRE 403</b> <b>Hearsay – FRE 802</b>
257:23-259:18	<b>Ambiguous, Vague, Compound – Rule 611(a)</b> <b>Lack of foundation, Speculation - FRE 602</b> <b>Prejudicial, Waste of time, Confusing – FRE 403</b> <b>Hearsay – FRE 802</b> <b>Improper opinion testimony – FRE 701</b>
259:19-261:23	<b>Lack of foundation, Speculation - FRE 602</b> <b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Waste of time, Confusing – FRE 403</b> <b>Hearsay – FRE 802</b>
261:24-263:3	<b>Confusing, Ambiguous, Vague, Compound – Rule 611(a)</b> <b>Lack of foundation, Speculation - FRE 602</b> <b>Improper opinion testimony – FRE 701</b> <b>Prejudicial, Waste of time, Confusing – FRE 403</b>
263:4-267:15	<b>Confusing, Ambiguous, Vague, Compound – Rule 611(a)</b> <b>Lack of foundation, Speculation – FRE 602</b> <b>Improper opinion testimony – FRE 701</b> <b>Prejudicial, Waste of time, Confusing – FRE 403</b>
267:24-273:7	<b>Confusing, Ambiguous, Vague, Compound – Rule 611(a)</b> <b>Lack of foundation, Speculation, Assumes facts not in evidence – FRE 602</b> <b>Hearsay – FRE 802</b> <b>Improper opinion testimony – FRE 701</b> <b>Prejudicial, Waste of time, Confusing – FRE 403</b> <b>Improper reliance on counsel</b>
273:19-273:20	
<b>274:10-274:11</b> <b>(Start at</b> <b>“Marking</b> <b>Exhibit...” and</b> <b>end at</b> <b>“...0000116”)</b>	<b>Irrelevant – FRE 401-402</b> <b>Document is hearsay – FRE 802</b> <b>Prejudicial – FRE 403</b>
274:16-277:22	<b>Lack of foundation, Speculation - FRE 602</b> <b>Improper opinion testimony – FRE 701</b>
277:25-278:14 (Start at “...we’ve moved	<b>Prejudicial, Waste of time, Confusing – FRE 403</b> <b>Speculation – FRE 602</b> <b>Improper opinion testimony – FRE 701</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
to...")	
278:16-279:1	<b>Leading Question</b> – Rule 611(c) <b>Irrelevant</b> – FRE 401-402 <b>Hearsay</b> – FRE 802 <b>Prejudicial, Waste of time</b> – FRE 403
279:2-280:6	<b>Prejudicial, Waste of time, Confusing</b> – FRE 403 <b>Lack of foundation, Speculation</b> - FRE 602 <b>Hearsay</b> – FRE 802
280:7-285:21	<b>Prejudicial, Waste of time, Confusing</b> – FRE 403 <b>Lack of Foundation, Speculation</b> - FRE 602
286:5-287:2	<b>Irrelevant</b> – FRE 401-402 <b>Hearsay</b> – FRE 802 <b>Prejudicial, Waste of time, Confusing</b> (incomplete document) – FRE 403 <b>Lack of foundation, Speculation</b> - FRE 602
287:3-288:1	<b>Leading question</b> – Rule 611(c) <b>Prejudicial, Waste of time, Confusing</b> – FRE 403 <b>Lack of foundation, Speculation</b> - FRE 602 <b>Hearsay</b> – FRE 802
288:2-288:5	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial, Waste of time, Confusing</b> – FRE 403 <b>Lack of foundation, Speculation</b> - FRE 602 <b>Hearsay</b> – FRE 802
288:16-289:14	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial, Waste of time, Confusing</b> – FRE 403 <b>Lack of foundation, Speculation</b> – FRE 602 <b>Vague, Ambiguous</b> – FRE 611(a) <b>Improper opinion testimony</b> – FRE 701 <b>Hearsay</b> – FRE 802
3:3-4:9 [Exhibit After the Fact]	<b>Prejudicial, Confusing, Misleading, Waste of time</b> – FRE 403 <b>Lack of foundation</b> – FRE 602 <b>Improper opinion testimony</b> – FRE 701 <b>Hearsay</b> – FRE 802

## Deposition of Jake Friedman (May 09, 2013)

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
14:11-14:19	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Waste of time – FRE 403</b>
15:15-15:17	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Waste of time – FRE 403</b>
21:8-21:14	
40:23-41:4	<b>Irrelevant – FRE 401-402</b> <b>Waste of time – FRE 403</b>
41:13-41:15	<b>Irrelevant – FRE 401-402</b> <b>Waste of time – FRE 403</b>
41:22-42:8	<b>Irrelevant – FRE 401-402</b> <b>Waste of time – FRE 403</b>
50:18-51:14	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
51:20-51:25	
59:8-59:9	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
65:15-65:19	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
66:19-66:22 (End after “No.”)	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
70:15-71:7	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
72:5-72:13	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
72:17-73:2	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
73:23-74:3	<b>Lack of foundation - FRE 602</b> <b>Waste of time – FRE 403</b>
78:7-78:11	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation - FRE 602</b>
87:6-87:9 (End after “No.”)	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
92:24-93:2	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
93:7-93:7	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
93:10-93:14	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
93:20-93:22	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
94:1-94:5	<b>Ineffective, Waste of time – FRE 611(a)</b>
94:17-94:22 (Start at “Do you	<b>Misleading, Waste of time – FRE 403</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
recognize...")	
96:3-96:4	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation, Speculation – FRE 602</b>
96:7-96:12	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Speculation – FRE 602</b>
96:24-96:24	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Speculation – FRE 602</b>
97:2-97:5	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation - FRE 602</b>
97:23-98:11	<b>Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation - FRE 602</b>
99:13-99:22	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
101:25-103:4	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Speculation – FRE 602</b>
104:1-104:22	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
105:6-105:19	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
106:8-106:10	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
109:2-110:1	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Improper Opinion Testimony – FRE 701</b>
111:19-112:13 (Start at “and you testified...”)	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b>
117:1-117:19	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b> <b>Improper Opinion Testimony – FRE 701</b>
120:21-121:2	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of Foundation, Speculation – FRE 602</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
121:9-121:9	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
122:25-122:25	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
125:3-125:19	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
125:23-125:23	<b>Ineffective, Waste of time – FRE 611(a)</b>
126:4-126:6	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
126:12-126:18	<b>Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
127:7-127:11	<b>Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
128:2-128:6	<b>Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
128:9-128:13	<b>Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
128:19-128:21	<b>Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
130:5-130:16	<b>Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
132:10-132:16	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b>
134:19-134:22	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b>
139:12-140:4 (Start at “If you look...”)	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation, Speculation – FRE 602</b>
141:3-141:7	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
141:11-141:23	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b> <b>Improper Opinion Testimony – FRE 701</b>
145:24-146:4	<b>Irrelevant – FRE 401-402</b> <b>Waste of time – FRE 403</b>
150:3-150:15	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
154:9-154:24	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>



<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
	154:23-154:24 <b>Lack of foundation – FRE 602</b>
155:17-156:10	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b> <b>Improper Opinion Testimony – FRE 701</b>
164:7-164:9	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b>
164:17-164:18	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
164:21-164:24	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
174:1-175:25	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation, Speculation – FRE 602</b>
176:13-176:14	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b>
176:20-177:2	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
179:14-179:25	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b>
180:21-180:21	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
181:1-181:13	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation, Speculation – FRE 602</b>
181:20-181:24	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation, Speculation – FRE 602</b>
185:11-185:20	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
189:3-189:17	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b>
191:7-191:8	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
192:9-192:9	<b>Lack of foundation – FRE 602</b>
197:5-197:6	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
202:21-203:5	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
220:2-220:9	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>
222:22-223:14	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
223:23-224:6	<b>Irrelevant – FRE 401-402</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
	<b>Lack of foundation – FRE 602</b>
224:10-226:22	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>  226:20-22 <b>Lack of foundation – FRE 602</b>
227:2-227:16	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
228:2-235:4	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
235:15-238:8	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b> <b>Lack of foundation – FRE 602</b>
239:7-239:22	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
240:6-240:8	<b>Irrelevant – FRE 401-402</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
241:7-243:16	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b> <b>Improper Opinion Testimony – FRE 701</b>
244:21-245:8	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
247:18-249:8	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Lack of foundation, Speculation – FRE 602</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
252:9-254:6	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b> <b>Improper Opinion Testimony – FRE 701</b>
254:25-258:6	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Ineffective, Waste of time – FRE 611(a)</b> <b>Hearsay – FRE 802</b>
258:13-260:23	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
	<b>Lack of foundation – FRE 602</b> <b>Ineffective, Waste of time – FRE 611(a)</b>
261:1-261:2	
261:7-261:9	
261:19-263:17	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b> <b>Ineffective, Waste of time – FRE 611(a)</b> <b>Hearsay – FRE 802</b>
263:21-263:25	
264:13-264:25	<b>Prejudicial, Confusing, Misleading, Waste of time – FRE 403</b> <b>Lack of foundation – FRE 602</b> <b>Ineffective, Waste of time – FRE 611(a)</b> <b>Improper Opinion Testimony – FRE 701</b>
269:9-269:9	
271:8-271:9	

Daniel Hanson (May 16, 2012)

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
8:15-9:10	
16:18-17:5	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403
24:3-24:16	<b>Lack of Foundation</b> – FRE 602
40:18-40:23	<b>Calls for Speculation</b> – FRE 602
41:4-42:24	<b>Irrelevant</b> – FRE 401-402 <b>Lack of Foundation</b> – FRE 602
43:5-43:15	<b>Irrelevant</b> – FRE 401-402 <b>Lack of Foundation</b> – FRE 602
48:7-48:11	
50:22-50:25	<b>Irrelevant</b> – FRE 401-402
51:7-51:12	<b>Irrelevant</b> – FRE 401-402
52:11-53:5	<b>Irrelevant</b> – FRE 401-402
60:23-60:25	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403
61:2-61:7	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403
69:9-70:9	
70:10-70:25	<b>Irrelevant</b> – FRE 401-402
71:2-71:14	<b>Irrelevant</b> – FRE 401-402
79:9-79:12	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403
79:15-80:3	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403
80:21-81:22	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403
83:6-83:16	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403
111:9-112:16	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403
117:12-118:14	
118:16-119:20	
122:9-122:25	
123:2-123:21	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
124:2-124:25	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403 <b>Lack of Foundation</b> – FRE 602 <b>Calls for Speculation</b> – FRE 602
125:2-125:23	<b>Irrelevant</b> – FRE 401-402 <b>Prejudicial</b> – FRE 403 <b>Lack of Foundation</b> – FRE 602 <b>Calls for Speculation</b> – FRE 602
127:20-128:22	<b>Calls for Speculation</b> – FRE 602 <b>Lack of Foundation</b> – FRE 602
128:24-130:19	<b>Calls for Speculation</b> – FRE 602 <b>Lack of Foundation</b> – FRE 602
130:22-131:1	<b>Irrelevant</b> – FRE 401-402
131:2-131:2	
135:14-137:2	
137:8-137:20	
142:7-142:11	<b>Irrelevant</b> – FRE 401-402 <b>Lack of Foundation</b> – FRE 602 <b>Prejudicial</b> – FRE 403
142:14-142:19	<b>Irrelevant</b> – FRE 401-402 <b>Lack of Foundation</b> – FRE 602 <b>Prejudicial</b> – FRE 403
142:22-143:4	<b>Irrelevant</b> – FRE 401-402 <b>Lack of Foundation</b> – FRE 602 <b>Prejudicial</b> – FRE 403
143:14-145:17	<b>Irrelevant</b> – FRE 401-402 <b>Lack of Foundation</b> – FRE 602 <b>Prejudicial</b> – FRE 403
150:11-151:21	
153:16-154:13	<b>Irrelevant</b> – FRE 401-402
160:2-160:11	

Mary Holloway (July 23, 2013)

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
46:25-47:9	<b>Irrelevant</b> – FRE 401-402 <b>Waste of time</b> – FRE 403

## Deposition of Dee Mahoney (July 19, 2013)

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
8:19-8:22	<b>Irrelevant</b> – FRE 401-402
10:16-11:22	<b>Irrelevant</b> – FRE 401-402 <b>Lack of Foundation, Speculation</b> - FRE 602 <b>Hearsay</b> – FRE 802
15:14-16:13	<b>Hearsay</b> – FRE 802 <b>Prejudice</b> – FRE 403 <b>Improper reliance on counsel subject to Motion in Limine</b> (Dkt. No. 346)
16:17-17:6 (Start at “You indicated...”)	<b>Irrelevant</b> – FRE 401-402 <b>Hearsay</b> – FRE 802 <b>Prejudice</b> – FRE 403 <b>Improper reliance on counsel subject to Motion in Limine</b> (Dkt. No. 346)
17:13-17:15	<b>Irrelevant</b> – FRE 401-402 <b>Hearsay</b> – FRE 802 <b>Prejudice</b> – FRE 403 <b>Improper reliance on counsel subject to Motion in Limine</b> (Dkt. No. 346)
23:21-24:21	<b>Improper Opinion Testimony</b> – FRE 701 <b>Lack of Foundation, Speculation</b> - FRE 602
30:11-30:17	<b>Waste of time, Confusing</b> - FRE 403 <b>Speculation</b> – FRE 602
30:21-32:4	<b>Waste of time, Confusing</b> - FRE 403 <b>Speculation</b> – FRE 602
32:5-32:23	<b>Waste of time</b> – FRE 403 <b>Lack of Foundation, Speculation</b> – FRE 602 (TR 32:21-23)
41:17-42:3	<b>Irrelevant</b> – FRE 401-402 <b>Waste of time, Prejudicial</b> – FRE 403 <b>Lack of Foundation, Speculation</b> – FRE 602
43:4-43:11	
45:12-45:20	<b>Irrelevant</b> – FRE 401-402 <b>Confusing, Waste of time</b> – FRE 403
50:4-50:9	<b>Waste of time, Prejudicial</b> – FRE 403 <b>Speculation</b> - FRE 602
53:5-53:6	<b>Prejudicial, Confusing</b> – FRE 403 <b>Incomplete testimony</b> (excludes TR 53:7-16) <b>Assumes facts not in evidence, Lack of foundation, Speculation</b> – FRE 602
53:17-53:23	<b>Lack of Foundation, Speculation</b> – FRE 602 <b>Improper Opinion Testimony</b> – FRE 701

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
	<b>Hearsay – FRE 802</b> <b>Prejudicial, Confusing – FRE 403</b>
56:10-56:21	<b>Lack of Foundation, Speculation – FRE 602</b> <b>Improper Opinion Testimony –FRE 701</b> <b>Hearsay – FRE 802</b> <b>Prejudicial, Confusing – FRE 403</b> <b>Improper reliance on counsel subject to Motion in Limine (Dkt. No. 346)</b>
68:8-69:1	<b>Lack of foundation, Speculation – FRE 602</b> <b>Improper Opinion Testimony – FRE 701</b> <b>Hearsay – FRE 802</b> <b>Prejudicial, Waste of time – FRE 403</b> <b>Improper reliance on counsel subject to Motion in Limine (Dkt. No. 346)</b> <b>Instruction Not to Answer (see also TR 67:15-68:7)</b>
69:12-69:12	
74:19-75:22	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Waste of time – FRE 403</b> <b>Speculation, Assumes Facts not in Evidence – FRE 602</b>
78:15-79:7	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Waste of time – FRE 403</b> <b>Speculation, Assumes Facts not in Evidence – FRE 602</b>
83:15-83:21	<b>Waste of time, Confusing – FRE 403</b> <b>Speculation – FRE 602</b>
88:13-89:4	<b>Waste of time, Confusing – FRE 403</b> <b>Speculation – FRE 602</b>
91:1-92:1	<b>Irrelevant – FRE 401-402</b> <b>Waste of time – FRE 403</b>
92:9-92:19	<b>Prejudicial, Confusion, Waste of time – FRE 403</b> <b>Lack of Foundation, Assumes facts not in evidence, Speculation – FRE 602</b> <b>Improper Opinion Testimony – FRE 701</b>
94:9-95:3	<b>Irrelevant – FRE 401-402</b> <b>Lack of Foundation, Assumes facts not in evidence, Speculation – FRE 602</b> <b>Improper Opinion Testimony –FRE 701</b> <b>Hearsay – FRE 802</b> <b>Prejudicial, Waste of time – FRE 403</b>
97:12-97:23	<b>Cumulative, Waste of time, Confusing –FRE 403</b> <b>Lack of Foundation, Assumes facts not in evidence – FRE 602</b>
99:8-99:14	<b>Cumulative, Waste of time – FRE 403</b>
102:2-102:4	<b>Speculation – FRE 602</b>



<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
106:6-109:5	<b>Lack of Foundation, Speculation – FRE 602</b> <b>Hearsay – FRE 802</b> <b>Prejudicial, Confusing – FRE 403</b> <b>Improper reliance on counsel subject to Motion <i>in Limine</i> (Dkt. No. 346)</b>
111:17-111:17	
117:21-118:9	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
120:6-121:1	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Speculation - FRE 602</b> <b>Hearsay – FRE 802</b>
124:15-124:19	<b>Speculation - FRE 602</b>
125:14-125:19	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Speculation - FRE 602</b>
127:9-127:24	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Speculation - FRE 602</b> <b>Impermissible Opinion Testimony – FRE 701</b>
130:18-130:24	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
130:25-134:14	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Impermissible Opinion Testimony – FRE 701</b>
137:13-138:13	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
146:1-147:2	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Impermissible Opinion Testimony – FRE 701</b>
147:9-149:8	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Impermissible Opinion Testimony – FRE 701</b>
152:16-153:13	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
154:19-154:24	<b>Irrelevant – FRE 401-402</b> <b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
	<b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
164:5-165:15	<b>Irrelevant – FRE 401-402 Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403 Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602 Hearsay – FRE 802 Impermissible Opinion Testimony – FRE 701</b>
169:10-171:21	<b>Irrelevant – FRE 401-402 Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403 Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602 Hearsay – FRE 802</b>
180:10-180:24	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403 Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
182:7-184:8	<b>Irrelevant – FRE 401-402 Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403 Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602 Hearsay – FRE 802</b>
185:13-185:22	<b>Irrelevant – FRE 401-402 Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
187:8-188:25	<b>Irrelevant – FRE 401-402 Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403 Hearsay – FRE 802</b>
201:5-201:15	<b>Irrelevant – FRE 401-402 Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b>
212:2-212:15	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403 Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602 Impermissible Opinion Testimony – FRE 701</b>
213:25-215:9	<b>Irrelevant – FRE 401-402 Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403 Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602 Hearsay – FRE 802 Impermissible Opinion Testimony – FRE 701</b>
216:4-216:7	<b>Irrelevant – FRE 401-402 Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403 Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
220:16-222:6	<b>Irrelevant – FRE 401-402 Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403 Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
231:7-231:15	<b>Irrelevant – FRE 401-402</b>

<b>Defs' Counter Designations</b>	<b>Plaintiffs' Objections</b>
	<b>Prejudicial, Confusing, Misleading, Cumulative, Waste of time – FRE 403</b> <b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b>
231:21-245:4	<b>Irrelevant – 401-402</b> <b>Prejudicial, Waste of time, Confusing – FRE 403</b> <b>Improper Opinion Testimony – FRE 701</b> <b>Speculation, Lack of foundation, Assumes facts not in evidence – FRE 602</b> <b>Compound question – FRE 611(a)</b> <b>Leading question – FRE 611(c)</b> <b>Confusing, Ambiguous, Vague – FRE 611(a)</b> <b>Misstates facts in evidence – FRE 611(a)</b> <b>Hearsay – FRE 802</b>
249:17-250:5	<b>Irrelevant – FRE 401-402</b> <b>Waste of time – FRE 403</b>